FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No. 3233 of 2004

Office NOtes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court or Judge's Order

Shri S.M.Gorwadkar for petitioner.
Shri R.G.Ketkar for respondent.

CORAM: A.P.SHAH J.
13th October,2005

P.C.

. Heard Advocates. . Perused the records including the judgments of the Lower Courts. Petitioner along with his brother had undertaken to develop the property being City Survey No.71/72 and had given a specific undertaking to the Municipal Corporation that they will demolish the suit structure after completion of the proposed building. The structure falls in set back

area. It appears that though the construction is almost complete the petitioner is refusing to act as per the undertaking given to the local authority. Under the circumstances, the courts below were right in rejecting the application for interim reliefs.

. Shri Ketkar appearing for respondent states that the Corporation has issued notices in respect of all the shops inthe property which are falling in the set back area and in respect of which undertaking has been given.

. Petition is dismissed.